



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2303119

Applicant Name: Kyle Marston for Tom Jurewicz

Address of Proposal: 9202 17th Av. S.W.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four unit lots (unit lot subdivision). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Proposed unit lot sizes are: A) 1,321 sq. ft., B) 1,196 sq. ft., C) 1,792 sq. ft.; and D) 3,396 sq. ft. The construction of Townhouses is under a separate Project number 2301423.

The following approval is required:

Unit Lot Subdivision - to create four unit lots.
Seattle Municipal Code (SMC) Chapter 23.24

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Vicinity and Site

The site is located on the corner of 17th Avenue S.W. and S.W. Barton Street in the West Seattle Neighborhood. The site is zoned residential Lowrise Three (L-3). Adjacent properties are also zoned L-3. However, the properties to the east are zoned L-3/RC and the properties at the south end of the block, on SW Cambridge Street are zoned Neighborhood Commercial, NC2-40'. The immediate vicinity is comprised primarily of single family residences and small scale multifamily buildings.

The site is rectangular and has a total of approximately 7,697 square feet of lot area. City maps do not identify steep slope Environmentally Critical Areas (ECAs) on site.

Proposal Description

The applicant proposes to subdivide the subject parcel into four unit lots, each lot containing a unit in one of the structures. Vehicle access to the site is proposed from the abutting 16 foot alley. Parking for unit lot D is proposed as a parking easement on unit lot C. A 3 foot pedestrian access easement is proposed across unit lot C for access to unit lot D. Parking for unit lots A, B and C will be provided within the Townhouse structures. Open space would be provided adjacent to each unit.

Public Comments

Notice of the proposed project was published on May 29th, 2003. The required public comment period ended on June 11th, 2003. No written comment was received.

ANALYSIS - SHORT SUBDIVISION

SMC Section 23.24.040 provides that the Director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Chapter 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivisions and subdivisions in environmentally critical areas.*

6. *Is designed to maximize the retention of existing trees;*
7. *Conformance with unit subdivision provisions.*

Based on information provided by the applicant, referral comments and information supplied by the Seattle Public Utilities (“SPU”), the Seattle Transportation Department (“SEATRAN”), the Seattle Fire Department (“SFD”), and Seattle City Light (“SCL”), the following findings are made by the Land Use Planner with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L3 zone. The density standard stated in SMC Section 23.45.008, which permits no more than 1 unit for each 800 square feet, is met for the development as a whole. The proposal conforms to development standards in all other respects. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. All unit lots would take vehicular access from the alley and share an adjacent 3 foot wide pedestrian easement. A separate 3 foot wide pedestrian easement is provided across unit lot C for unit lot D to access parking. Seattle City Light will require an overhead/underground easement on the North 10.1 feet of unit lot C (Exhibit “A”). The Seattle Fire Department had no comments or requirements for the proposal.

As conditioned, there would be adequate access to the lots for off-street parking, vehicles, utilities, and fire protection.

3. SPU issued Water Availability Certificate No. 2003-0559 indicating that recorded easements allowing underground water service from 17th Avenue S.W. to unit lots A, B and C must be provided, prior to ordering new meters, for the water supply to be adequate. DCLU’s drainage reviewer reported that there is a public combined sanitary sewer (PSS) for discharge from all proposed parcels. The ULS does not include adequate easements for all unit lots to connect to the PS. Stormwater from new construction shall be discharged to the PS by way of detention. The proposed ULS does not include adequate easements for this purpose. Appropriate easements must be provided.

The provided survey indicates the presence of concrete curb and gutter to convey surface runoff to the PSD by means of curb discharge. The PSD discharges to a Designated Receiving Water. A standard drainage control plan was required at the time of building permit application. There will be adequate drainage, water supply, and sanitary sewage disposal.

4. The purpose of the L3 zoning is to provide multifamily areas of low height and small bulk where units have direct access to private, landscaped yard, thereby increasing housing opportunities for families with children and others seeking ground-related housing. As conditioned below, the public interests would be served by permitting the

proposed division of land, in that more housing will be provided inside the City and in that the proposed parcels would permit the multifamily housing types consistent with the intent of the zone.

5. The site is not a designated Environmentally Critical Area.
6. The site will be fully developed pursuant to issued building permits and no additional development is proposed. However, the Residential Multifamily Regulations require that trees be planted in landscaped areas with new low-rise multifamily structures. For lots over 3000 square feet at least two (2) caliper inches of tree per 1,000 square feet of lot area must be planted per lot. This requirement was addressed through the building permit review process.
7. The following analysis pertains to unit lot subdivision criteria:

The provisions of SMC Section 23.24.045 are as follows:

- A. The provisions of this Section apply exclusively to the unit subdivision of townhouses, cottage housing, clustered housing, or single family residences in Lowrise zones.*

The subject proposal would establish separate lots for the four, townhouse units, proposed for construction, thus falling within the purview of SMC Section 23.24.045.

- B. Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The development as a whole, on the parent lot, meets development standards. Useable private open space meets standards.

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

The note added pursuant to Criterion F below should assure proper control of future platting actions, additions or modifications to structure(s).

- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

Approval is additionally conditioned upon proper provision of joint use and maintenance agreements for the use and maintenance of the easement areas and maintenance of common interest elements such as shared walls.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections*

Parking for unit lots A, B and C is provided on each unit lot. Parking for unit lot D is provided on unit lot C by easement.

- F. The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with Director of the King County Department of Records and Elections.*

Review of this site plan shows that the proposed short subdivision conforms to applicable standards of SMC 23.24.045 and for townhouses in the L3 zone. To assure that future owners have constructive notice that additional development may be limited; the following statements shall be required to be included as a note on the final unit lot subdivision: "Unit lots are not separate buildable lots. Additional development on these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

DECISION - SHORT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - UNIT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide legal descriptions for the lots and the easements with the plat for recording.

2. Provide final recording forms and fee payable to King County Recorder.
3. Add the conditions of approval after recording on the face of the plat or on a separate page.
4. Add to the face of the plat map a private use and maintenance agreement for the parcels with access from the easements and for common interest elements such as shared walls. Alternately, the applicant may choose to record the private use and maintenance agreement by separate document and reference the King County recording number in the Short Plat dedication with the following language: "A private use and maintenance agreement encumbers the lots shown hereon as disclosed in that document recorded in the office of the King County Recorder under recording number _____".
5. Add statements to the face of the plat as follows: "Unit lots are not separate buildable lots. Additional development of these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
6. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. All existing structures shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.
8. Provide, on face of plat, an easement or covenant to allow for posting of individual unit addresses in a manner visible from 17th Avenue Southwest or Southwest Barton Street as appropriate.
9. Provide sewer and drainage easements with each unit lot on the final plat as appropriate.

Signature: (signature on file) Date: July 3, 2003
Joan S. Carson, Land Use Planner II
Department of Design, Construction and Land Use